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THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Note verbale dated 4 July 1994 from the Permanent Mission of Iraq to the United Nations Office at Geneva addressed to the Centre for Human Rights

The Permanent Mission of the Republic of Iraq to the United Nations Office at Geneva presents its compliments to the Centre for Human Rights and has the honour to enclose herewith a study entitled "The impact of the economic embargo on the enjoyment of human rights in Iraq".

The Permanent Mission requests the Centre for Human Rights to transmit this study to the Sub-Commission on Prevention of Discrimination and Protection of Minorities to be considered as a document under item 8 of the provisional agenda of the forty-sixth session.

The impact of the economic embargo on the enjoyment of human rights in Iraq

Introduction

1. Security Council resolution 661 of 6 August 1990, which imposed comprehensive economic sanctions on Iraq, has had an adverse impact on human rights in general and particularly on the right to food, medicine and a decent standard of living, in addition to the direct impact that the violation of these rights has had on other rights. The economic sanctions were imposed on the ground that Iraq had not complied with Security Council resolution 660, which demanded the withdrawal of Iraqi forces from Kuwait. Although the provisions of resolution 661, which were mandatory and comprehensive, did not apply to medical supplies and foodstuffs, in practice this exemption had no notable value in view of the fact that Iraq's assets abroad were frozen and Iraq was denied any opportunity to obtain financial resources.

2. The embargo has had devastating effects not only on economic, social, cultural, civil and political rights in Iraq but also on the development process due to the interrelationship between those rights and development in its full sense.

The effects of the embargo on economic, social and cultural rights are reviewed below:

A. Violations of economic rights

3. The comprehensive embargo imposed on Iraq has had a direct effect on all aspects of the Iraqi economy. The principal damage consists in the total or semi-total paralysis of facilities and the extremely high cost of operating those that remain serviceable, in addition to the accumulated interest on foreign debts and investments, the suspension of the export of petroleum and the delays in the completion of development projects. This has led to a decline in GNP in all sectors and this decline in productive activities, which is expected to continue if the embargo is maintained, is incompatible with the provisions of numerous international instruments which stress the importance of international cooperation to ensure the successful achievement of national development.

4. As a result of the embargo, local food production meets only a small part of demand since the requirements for agricultural production, such as seeds, fertilizers, machinery and equipment, were mostly imported from abroad. Consequently, the shortfall in food production, particularly in the case of cereals, has constantly increased and has been accompanied by a considerable shortfall in livestock production due to the shortage of fodder and veterinary requisites, which has led to corresponding increases in the prices of local agricultural produce. This has had a direct adverse effect on the right of every individual to enjoy a decent standard of living.

5. Due to the sharp decline in imports and local production, the commodity supply has decreased substantially, entailing an alarming increase in prices and high rates of inflation. In order to control inflation, it is essential

to reduce real overall demand. This has actually been achieved at the cost of cut-backs in the services sector which was one of the principal fields of employment for graduates, among whom unemployment has consequently increased.

6. Iraqi society would have been exposed to total collapse but for the intervention of the State, which took economic measures by applying a ration-card system to ensure a minimum food supply, by supporting health centres and popular clinics and introducing a "health book" for persons afflicted with chronic diseases to enable them to purchase their requirements at pre-embargo prices, and by maintaining the prices of electricity, petroleum products and potable water.

7. Under the ration-card system, every individual is entitled to 1,736 calories, although the actual individual requirement, according to studies undertaken by the Nutritional Research Institute, amounts to 2,306 calories per day. In other words, there is a deficit of 569 calories per day, which forces citizens to resort to the commercial market in order to purchase their supplementary food requirements at extremely high prices. A simple comparison between the prices of basic foodstuffs in 1990 and 1994 (prices for the month of March) shows that the price of flour, for example, was 1,017 times higher in 1994 and, in the same year, the price of sugar was 820 times higher.

8. In spite of the rise in prices as compared with the average income of the Iraqi family, the foreign currency exchange rate rose at an even faster pace, thereby making Iraqi commodities seem cheap in comparison with the prices of similar goods in neighbouring States. This has encouraged the smuggling of goods, to the detriment of the national economy, and has led to depletion of the country's livestock resources and other movable assets through trans-border exchanges.

9. The lifting of the embargo on Iraq will break the vicious circle of inflation. However, as already indicated, the post-embargo phase will require a large injection of resources for the resumption of normal economic activity and growth since the non-availability of adequate resources would ensure the continuation of inflation. In other words, any serious attempt to tackle the problems of the Iraqi economy after the lifting of the embargo must address the inadequacy of resources in relation to the increasing and diverse needs competing strongly for those resources. Recovery of the acceptable standard of living which Iraq attained in the past will necessitate the adoption of extraordinary measures requiring considerable financial resources.

B. Violations of social rights

10. One of the most important social rights is the right to health and health care, particularly in the case of children, the aged and the disabled who have been severely affected by the embargo.

11. The serious deterioration in the public health sector has affected all its facilities due to the dire lack of spare parts and the shortage of medicines, medical requisites and laboratory equipment. Consequently, in addition to inadequate food, there are insufficient opportunities to obtain health care and this situation has led to a considerable decline in

the standard of health services, as a result of which diseases caused by malnutrition, emaciation, lack of vitamins and lack of calories have spread, particularly among the under-five age group. The monthly average of all such cases in 1990 amounted to 8,541, as compared with 131,496 cases in 1994; in other words, the incidence of such cases has become 15.4 times higher.

12. The decline in the standard of therapeutic services has had an adverse impact on the situation of sick persons, particularly those under five years of age, many of whom have died. The number of such deaths directly or indirectly attributable to the embargo during the period from 2 August 1990 to March 1994 amounted to 153,448 while, during the same period, the number of deaths in the over-five age group amounted to 277,645, thereby bringing the total number of deaths among children to 431,093.

13. The embargo has unquestionably had the greatest impact on children, bearing in mind the fact that they constitute 43.6 per cent of Iraq's population. If we also take into account the fact that elderly persons over 60 years of age constitute 5.5 per cent of the population, of which women over 15 years of age constitute a further 28 per cent, the magnitude of the danger facing the people of Iraq is clearly evident, as already indicated in the report prepared by Sadruddin Agha Khan during his visit to Iraq.

14. The UNICEF document E/ICEF/1994/P/L.23 published on 5 April 1994 confirmed that there had been no change in the situation of women and children in Iraq. After the Gulf war, the infant mortality rate rose from 28 to 64 per thousand live births and the child mortality rate rose from 48 to 80 per thousand live births. The percentage of underweight infants (less than 2.5 kg) increased from 5 to 12 per cent and diarrhoeal diseases became the prime killer of children under five years of age. There was also a notable and sudden increase in the incidence of acute respiratory diseases.

15. The aggression, as well as the subsequent disturbances and the ongoing embargo, have had a severe material and humanitarian impact on the process of rehabilitating the disabled. The damage caused to a substantial number of rehabilitation centres and their rehabilitation and training equipment has adversely affected the standard of efficiency of those centres. Moreover, it has become impossible to import the requisite machinery and equipment and the stocks of raw materials which constitute basic training requisites have been exhausted.

C. Violations of cultural rights

16. During the past two decades, the Government of Iraq has made tireless endeavours to improve the cultural standard of the Iraqi people not only as a national duty but also in fulfilment of the obligations arising from its accession to the International Covenant on Economic, Social and Cultural Rights. This cultural revival covered all educational stages and fields up to the university level, including higher studies in the twin branches of the arts and sciences. This was accompanied by a strengthening of the role of educational institutions operating in the field of scientific research and in all the various cultural and artistic fields.

17. The embargo has had a considerable adverse effect on educational, scientific and cultural standards. In addition to the 55,087 schools and educational institutions that were damaged and the 8,613 school buildings (out of a total of 11,306 buildings) suffering from renovation and maintenance problems due to the shortage of financial appropriations and the lack of construction materials, the ongoing embargo has led to a serious shortage of educational requisites such as technological equipment, educational aids, laboratory materials, library requisites and furniture, quite apart from the shut-down of some production facilities in the educational sector, such as the printing presses producing school textbooks and the facilities producing school copybooks. This has led to a shortage in the supply of text- and copybooks that were formerly distributed among educational authorities for use in the discharge of their functions. There has also been a reduction in the number of research projects, studies, reports and seminars requiring a supply of paper.

18. The embargo has had a severe impact on student health and the school environment due to the impossibility of meeting school health requirements such as cleansing equipment and materials for first aid and environmental hygiene. This has increased the exposure of many children and students to diseases and the spread of epidemics. The malnutrition and anaemia caused by the embargo have also affected the state of health of children and students, who have been afflicted with debility, fatigue, indolence, emaciation and, in some cases, inability to engage in educational activities or to pursue and concentrate on their studies. Deteriorating financial circumstances resulting from the embargo have forced many students to attend classes irregularly or to finally abandon their studies in order to work in the private sector so that they can help their parents or guardians to meet the requirements of daily life in the face of rising prices. The rate of school enrolment among children in the compulsory education age group dropped to 92 per cent in the year 1993/94, as compared with a figure of 98 per cent for the year 1989/90.

19. In the field of culture, the arts and literature, the comprehensive embargo has prevented the provision of the raw materials and services needed to further the process of artistic development in various fields in Iraq. It has affected the quality and distribution of Iraqi printed matter, thereby impeding the dissemination of culture in order to make it accessible to the largest possible number of recipients and participants. Due to the circumstances of the embargo and rationalization of the use of paper, the number of cultural books published dropped sharply from 216 publications in 1990 to only 26 publications in 1994. The number of magazines published also declined by 50 per cent and some even ceased publication or appeared with a smaller number of pages or in a smaller number of copies.

Conclusions

20. From the above, it can be concluded that the comprehensive embargo imposed on Iraq has been highly detrimental to human rights, particularly the right to life. It has also had an adverse impact on the enjoyment by Iraqis of their economic, social and cultural rights.

21. This embargo can no longer be justified in view of the disappearance of the causes that led to its imposition and Iraq's fulfilment of all the obligations imposed on it under the terms of the relevant Security Council resolutions, particularly paragraph 22 of resolution 687. The insistence by the United States and some Western States on the maintenance of the embargo is a deliberate act designed to hamper the Iraqi Government's endeavours to fulfil its national and international obligations.

22. It can definitely be said that Iraq needs an appropriate environment of regional cooperation and international understanding to help it to solve its economic, social and cultural problems, which are unquestionably attributable to the circumstances of the war and the embargo.

23. Economic sanctions imposed by the Security Council, for political reasons, on a particular country constitute a major obstacle to the achievement of social development and fulfilment of the requirements for social well-being and progress. The international community should make a careful study of the legal and political aspects of the serious effects that the imposition of such sanctions entails and should seek ways and means to reduce their social dangers as far as possible not only because of the serious impact of those sanctions on development but also in view of the fact that those sanctions reduce the opportunities for social progress and stability, which are among the most important factors conducive to international peace and security.